

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Yang Huang,

Plaintiff,

v.

Robert S. Mueller, III,

Defendant.

Civil No. 07-140 (PJS/JJG)

**REPORT
AND
RECOMMENDATION**

JEANNE J. GRAHAM, United States Magistrate Judge

The above-entitled matter came to the undersigned Magistrate Judge on June 19, 2007 on defendant Robert Mueller's motion to dismiss, or in the alternative for summary judgment (Doc. No. 4). Plaintiff Yang Huang appeared pro se. Robyn A. Millenacker, Assistant United States Attorney, appeared on behalf of Mr. Mueller, a party in his capacity as Director of the Federal Bureau of Investigation (FBI). The motion is referred for a report and recommendation in accordance with 28 U.S.C. § 636 and Local Rule 72.1(c).

This litigation arises out of Mr. Huang's efforts to adjust his immigration status to that of a lawful permanent resident, a procedure commonly referred to as a request for a green card. In connection with this petition, Customs and Immigration Services (CIS) submitted a "name check" to the FBI, asking that agency to determine whether Mr. Huang is mentioned in any of its investigative databases.

The name check was submitted on May 5, 2003, about two weeks after Mr. Huang's adjustment petition was filed. After waiting over three and a half years, Mr. Huang brought the current litigation, seeking to compel the FBI to complete the name check. Through a letter from

his counsel on September 28, 2007, Mr. Mueller advises that the name check is now complete. For this reason, Huang has obtained the relief he sought in this litigation, which may accordingly be dismissed as moot.

Being duly advised of all the files, records, and proceedings herein, **IT IS HEREBY RECOMMENDED THAT:**

1. Mr. Mueller's motion to dismiss, or in the alternative for summary judgment (Doc. No. 4) be **DENIED AS MOOT**.
2. This litigation be **DISMISSED AS MOOT**.
3. All claims in this litigation be dismissed and judgment entered.

Dated this 4th day of October, 2007.

s/ Jeanne J. Graham

JEANNE J. GRAHAM
United States Magistrate Judge

NOTICE

Pursuant to Local Rule 72.2(b), any party may object to this report and recommendation by filing and serving specific, written objections by **October 23, 2007**. A party may respond to the objections within ten days after service thereof. Any objections or responses filed under this rule shall not exceed 3,500 words. The district court judge shall make a de novo determination of those portions to which objection is made. Failure to comply with this procedure shall forfeit review in the United States Court of Appeals for the Eighth Circuit. Unless the parties are prepared to stipulate that the District Court is not required by 28 U.S.C. § 636 to review a transcript of the hearing in order to resolve objections made to this report and recommendation, the party making the objections shall timely order and cause to be filed within ten days a complete transcript of the hearing.